

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1623

In re

Patent Application of

Paul Savage, et al

Application No. 10/550,165

Confirmation No.: 5240

Filed: July 21, 2006

Examiner: Ganapathy Krishnan

“6”-AMINO-6”-
DEOXYGALACTOSYLCERAMIDES”

I, Tracy Bruesewitz, hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on the date of my signature.

Signature

Date of Signature

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of April 12, 2007 in which a requirement for restriction was made, Applicants elect Group I, claims 1-13, and 24-25, drawn to compounds of formula (I), methods of making compounds of formula (I) and pharmaceutical compositions containing formula (I) with traverse. Applicants do not waive the right to prosecute the remaining subject matter in other applications.

Applicants respectfully request rejoinder of Group I-IV as containing a “single general inventive concept” in which the single technical feature of all claims is compounds of formula (I). MPEP 1850 PCT RULE 13.2 states:

“Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The

expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art."

Applicants respectfully submit that Groups I-IV each have the compounds of formula (I) as the "special technical feature." Group II, claims 14-16, are drawn to probes comprising formula (II) which are compounds that have the same structure as formula (I) but with specific sidechains designated for R₃-R₉. In other words, compounds of formula (II) are a subgroup of compounds of formula (I). Group III, claims 18 and 19, are drawn to methods of stimulating NKT cells comprising contacting an NKT cell with a compound of formula (I) and a CD1 protein. Group IV, claims 20-23 are drawn to methods of stimulating the immune system of a subject or treating an autoimmune disease, the methods comprising administering a compound of formula (I). In view of the above, the Applicants respectfully submit that Groups I-IV contain a single inventive concept, i.e. the compounds of formula (I).

Further, 37 CFR 1.475(b) states:

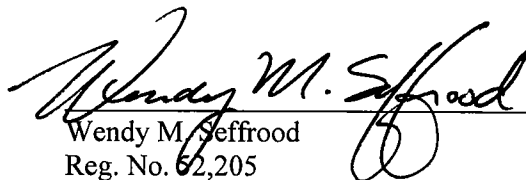
"An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

- (1) A product and a process specially adapted for the manufacture of said product; or
- (2) A product and process of use of said product; or
- (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
- (4) A process and an apparatus or means specifically designed for carrying out the said process; or
- (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process."

Applicants respectfully submit that the relationship between Groups I-IV is that described in 1.475(b)(2), i.e., a product (the compounds of formula I, claims 1-13, 14, 23 and 24) and the process of use of said product (methods of quantifying glycolipid association with CD1d and NKT cell receptors (Group II, claims 15-17), methods of stimulating NKT cells (Group III, claims 18 and 19), methods of stimulating the immune system of a subject and methods of treating autoimmune diseases (Group IV, claims 20-23).

In view of the above, Applicants respectfully request rejoiner of Groups I-IV as containing a single inventive concept under the unity of invention standard of the PCT.

Respectfully submitted,


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